

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** DAYN HARDIE  
DEPUTY ATTORNEY GENERAL

**DATE:** MAY 14, 2021

**SUBJECT:** IN THE MATTER OF ROCKY MOUNTAIN POWER’S APPLICATION FOR APPROVAL OR REJECTION OF THE POWER PURCHASE AGREEMENT WITH CHESTER DIVERSION PROJECT; CASE NO. PAC-E-21-06.

On March 10, 2021, Rocky Mountain Power, a division of PacifiCorp (“Company”) requested Commission approval or rejection of a Power Purchase Agreement (“PPA”) with Fall River Rural Electric Cooperative (“Fall River”) for the purchase and sale of energy from the Chester Diversion Hydro Project, a 2 MW hydroelectric qualifying facility under the Public Utility Regulatory Policies Act of 1978.

On March 25, 2021, the Commission issued a Notice of Application and Notice of Modified Procedure establishing public comment deadlines of May 4, 2021 and Company reply deadlines of May 18, 2021. Order No. 34976. Fall River was granted party status on April 15, 2021. Order No. 34997.

Staff filed comments on May 4, 2021.

### FALL RIVER’S MOTION FOR EXTENSION OF TIME

On May 13, 2021, Fall River filed a Motion of Extension of Time pursuant to IDAPA 31.01.01.256 (“Motion”). Fall River asked that the Commission consider its Motion under procedural Rule 256, which allows the Commission to act upon a motion for relief in less than 14 days after the motion was filed. *Id.*; *see* IDAPA 31.01.01.256.03.

Fall River requests seven additional days to reply to Staff’s comments. Fall River states that one of the issues raised by Staff implicates complicated issues of law and fact. Fall River will review—and possibly present—numerous communications and materials regarding the correct

vintage of avoided cost rates it believes should apply to the PPA. Additionally, Fall River notes it has been unable to discuss issues raised in Staff's comments with the Company to determine their position, potentially impacting Fall River's position.

Fall River states that it contacted the Company regarding its request and the Company had no objection but did request that if the seven-day extension was granted that it apply to the Company's reply as well. Fall River also reached out to Staff regarding its request.

**STAFF RECOMMENDATION**

Staff takes no position on Fall River's Motion.

**COMMISSION DECISION**

Does the Commission wish to grant Fall River's Motion for seven additional days to reply to Staff's comments? Does the Commission wish to issue a Notice of Amended Reply Comment Deadline changing the reply deadline for Fall River and the Company to May 25, 2021?



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Dayn Hardie  
Deputy Attorney General